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Attorneys for Plaintiff and Counter-Defendant CENTOCOR ORTHO BIOTECH, INC. and Third-Party Defendants GLOBAL PHARMACEUTICAL SUPPLY GROUP, LLC, CENTOCOR BIOLOGICS, LLC and JOM PHARMACEUTICAL SERVICES, INC.

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CENTOCOR ORTHO BIOTECH,
INC.,

Plaintiff,

v.

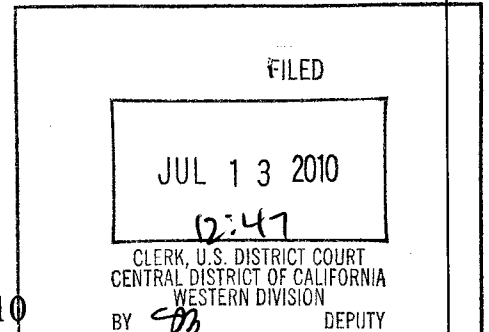
GENENTECH, INC. and CITY OF
HOPE,

Defendants.

Case No. CV 08-03573 MRP (JEMx)

**CENTOCOR ORTHO BIOTECH,
INC. AND ITS COUNTER-
DEFENDANT AFFILIATES'
APPLICATION TO FILE UNDER
SEAL:**

**(1) MEMORANDUM IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT THAT CLAIM 33 IS**



1 AND RELATED COUNTER AND
2 THIRD-PARTY ACTIONS.

**INVALID FOR FAILURE TO
DISCLOSE THE BEST MODE
(MOTION NO. 6); AND**

**(2) STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT
THAT CLAIM 33 IS INVALID FOR
FAILURE TO DISCLOSE THE
BEST MODE (MOTION NO. 6)**

Date: August 17, 2010
Time: TBA
Place: Hon. Mariana Pfaezler,
Courtroom 12

9 Pursuant to Local Rule 79-5.1, Plaintiff Centocor Ortho Biotech, Inc.
10 (“Centocor”) and its Cross-Defendant Affiliates seek leave to file the following
11 documents under seal:

- 12 1. Memorandum in Support of Centocor Ortho BioTech, Inc. and its Cross
13 Defendant Affiliates’ Motion for Summary Judgment that Claim 33 is
14 Invalid for Failure to Disclose the Best Mode (Motion No. 6)
15 (“Memorandum”); and
- 16 2. Statement of Undisputed Facts and Conclusions of Law in Support of
17 Centocor Ortho BioTech, Inc. and its Cross Defendant Affiliates’
18 Motion for Summary Judgment that Claim 33 is Invalid for Failure to
19 Disclose the Best Mode (Motion No. 6) (“Statement of Undisputed
20 Facts”).

21 The documents to be filed under seal contain or reflect confidential business
22 information that is subject to confidentiality provisions. Specifically, the
23 Memorandum cites to and discusses various supporting exhibits, including Exhibits
24 28, 32, 35, and 36 which contain confidential details regarding Genentech’s
25 pharmaceutical research and development. These exhibits, cited and referenced in the
26 Memorandum, have been designated as Confidential pursuant to the terms of the
27
28

1 Protective Order. Similarly, the Statement of Undisputed Facts cites to and references
2 these same Confidential Exhibits.

3 Also, balancing the potential harm to Centocor, Genentech and third parties if
4 the sensitive business information is released into the public with the relatively low
5 public harm for nondisclosure of this information favors prohibiting disclosure.

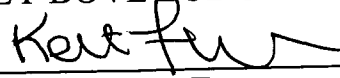
6 For the foregoing reasons, Centocor respectfully requests that the Court grant
7 this Application and order the aforementioned documents be filed under seal.

8
9 Dated: July 12, 2010

Respectfully submitted,

10 CONNOLLY BOVE LODGE & HUTZ LLP

11 By: _____



Keith D. Fraser

12 Attorneys for Plaintiff CENTOCOR ORTHO
13 BIOTECH, INC. and Third-Party Defendants
14 GLOBAL PHARMACUETICAL SUPPLY GROUP,
15 LLC, CENTOCOR BIOLOGICS, LLC and JOM
16 PHARMACEUTICAL SERVICES, INC. LLC and
17 JOM PHARMACUETICAL SERVICES, INC.
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